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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/867,416

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Stephen A. Hall

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TECHNOLOGY, PATENTS AND LICENSING, INC.

2003 South EASTON ROAD

SUITE 208

DOYLESTOWN, PA 18901

EXAMINER

TARAE, CATHERINE MICHELLE

ART UNIT

PAPER NUMBER

3623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/867,416	<b>Applicant(s)</b> HALL ET AL.	
	<b>Examiner</b> C. Michelle Tarae	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 5-38 and 42-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 39-41 and 63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The following is a Final Office Action in response to the communication received on January 30, 2008.

Claims 1-63 are currently pending.

Claims 5-38 and 42-62 have been withdrawn from further consideration.

Claims 1-4 and 39-41 have been amended.

Claim 42 has been added. Claim 42 has been renumbered as claim 63 (see reason in Claim Objections below).

Claims 1-4, 39-41 and 63 are examined below.

### ***Response to Amendment***

2. Applicant's amendments to claims 1-4 and 39-41 and addition of claim 63 are acknowledged.

### ***Response to Arguments***

3. Applicant's arguments are moot in view of the new grounds of rejections provided below, which have been necessitated by amendment.

***Claim Objections***

4. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 42 been renumbered as claim 63.

Examiner notes that the original group of claims withdrawn from further consideration consists of claims 5-38 and 42-62. The current listing of claims submitting by Applicant only includes claims 1-41. This incorrect listing of claims would normally result in a Non-Compliant Amendment. Applicant is respectfully requested to correct the listing of claims to include the withdrawn claims 42-62 and new claim 63 in his response to this Office Action.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 39-41 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seretti et al. (U.S. 5,978,776) and Hughes et al. (U.S. 7,231,363).

As per claim 1, Seretti et al. discloses a method for distributing data among a plurality of competitive dealers, the dealers being members of a network of dealers in a marketplace, the marketplace including a network of buyers, the method comprising:

selecting vehicle data from the dealers (col. 2, lines 27-30);

receiving an appraisal request from one of the dealers (col. 6, lines 11-30; Figure 3);

correlating vehicle data and generating one or more appraisals based at least on the correlating of the data (col. 6, lines 31-55; Figure 4); and

providing the appraisal to the requesting dealer (col. 6, lines 31-55; Figure 4).

Seretti et al. does not expressly disclose generating one or more appraisals based at least on the correlating of the data, wherein the data includes prior bids made by the buyer. However, Examiner takes Official Notice that basing appraisals at least in part on previous purchases made by buyers is old and well known in the art. Take the housing industry, for example, where appraisals of homes are generally based on "comps" or comparisons of previously and recently purchased homes with similar

features (where purchases are bids that have been accepted). Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to generate one or more appraisals based at least on the correlating of the data, wherein the data includes prior bids made by the buyer as doing so is a well known process in the industry by which to generate appraisals. Thus, adding this particular way of generating appraisals would have produced predictable results to persons of ordinary skill in the art.

Seretti et al. does not expressly disclose maintaining confidentiality of the individual data of each dealer. However, Hughes et al. discloses a trading/auction system that allows anonymous trading through broker dealers (col. 7, line 51), thereby maintaining confidentiality of the individual data of each dealer. Seretti et al. and Hughes et al. are analogous in that each is concerned with trading/buying items over a network. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Seretti et al. to maintain confidentiality of the individual data of each dealer as doing so allows dealers to trade with dealers with whom they might not have otherwise conducted business (see Hughes et al., col. 14, lines 59-64), thereby increasing the permutations of possible transactions among dealers.

As per claim 2, Seretti et al. discloses the method of claim 1, wherein the vehicle data includes current vehicle inventory of the buyers in the marketplace (col. 7, lines 35-38).

As per claim 3, Seretti et al. discloses the method of claim 2, wherein the vehicle data includes at least one of a number of a vehicle's make a dealer has in stock, a

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vehicle identification number, a vehicle's year, a vehicle's make, a vehicle's model, a vehicle's body style, a vehicle's exterior color, a vehicle's interior color, a vehicle's mileage, a vehicle's retail asking price, a vehicle's transactions cost, a vehicle's reconditioning cost, a vehicle's age, a vehicle's selling price, a vehicle's gross profit, an acquisition need of a vehicle, a selling need of a vehicle, a vehicle's image, a vehicle's turnover rate, or an aggregate of any of the above-listed data (col. 2, lines 40-44; col. 6, lines 11-30).

As per claim 4, Seretti et al. discloses the method of claim 1, wherein the distributed data provide optimization on return on investments to the dealers (col. 2, lines 11-13).

As per claim 63, Seretti et al. does not expressly disclose the method of claim 1, wherein the prior bids further comprise past bids made by the buyer for the purchase of a vehicle comparable to the appraisal request vehicle. However, Examiner takes Official Notice that basing appraisals at least in part on previous purchases made by buyers is old and well known in the art. Take the housing industry, for example, where appraisals of homes are generally based on "comps" or comparisons of previously and recently purchased homes with similar features (where purchases are bids that have been accepted). Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to have the prior bids further comprise past bids made by the buyer for the purchase of a vehicle comparable to the appraisal request vehicle as doing so is a well known process in the industry by which to generate appraisals.

Thus, adding this particular way of generating appraisals would have produced predictable results to persons of ordinary skill in the art.

Claims 39-41 recite limitations already rejected above. Therefore, claims 39-41 are rejected on the same basis as claims 1-4, above.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Seretti et al. (U.S. 6,920,433) vehicular data exchange system; and
- Chen et al. (U.S. 5,504,674) discusses appraising vehicles; and



- Wagoner et al. (U.S. 7,219,080) discusses an online auction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/C. Michelle Tarae/  
Primary Examiner, Art Unit 3623

April 29, 2008